

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

RICHARD A. FOWLKES,	:	
Plaintiff,	:	Case No. 3:04CV441
vs.	:	District Judge Thomas M. Rose
		Magistrate Judge Sharon L. Ovington
UNITED STATES NATIONAL	:	
ARCHIVE TO RECORDS	:	
ADMINISTRATION, <i>et al.</i> ,	:	
Defendants.	:	

DECISION AND ENTRY

The Court has reviewed *de novo* the Report and Recommendations (Doc. #52) of United States Magistrate Judge Sharon L. Ovington, to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Reports and Recommendations.

Accordingly, it is **ORDERED** that:

1. The Report and Recommendations filed on April 4, 2007 (Doc. #52) is ADOPTED in full;
2. Defendants' Motion To Substitute The United States Attorney As The Party Defendant For Lloyd Mitchell And David Cornelisse (Doc. #51) is GRANTED, and Plaintiff's Seventh, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Causes of Action against Lloyd Mitchell and David Cornelisse are DISMISSED for lack of subject matter jurisdiction;

3. Defendants' Motion To Amend The Caption Of The Case (Doc. #51) is GRANTED, and the Clerk of Court is directed to amend the caption of this case by substituting the United States of America as the Defendant in place of Lloyd Mitchell and David Cornelisse; and
4. Defendants' Motion To Dismiss Certain Claims Against Defendants (Doc. #51) is GRANTED, and Plaintiff's Seventh, Ninth, Tenth, Eleventh, Twelfth, and Thirteenth Causes of Action against the United States, NARA, and NARA's EEO Office are DISMISSED.

April 23, 2007

s/THOMAS M. ROSE

Thomas M. Rose
United States District Judge